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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



05-06-2005

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

PRAMIL S.R.L. (ESAPHARMA),]
Petitioner,]

v.]

Cancellation No. 92032341

MICHEL FARAH,]
Registrant.]

REPLY BRIEF FOR THE PETITIONER

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May 6, 2005

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The Main Brief for the Registrant, Michel Farah was filed on May 2, 2005.

It should be noted that the Registrant took no testimony during his scheduled testimony period and that a Motion for Extension of the period was denied by the Interlocutory Attorney. A Motion for Reconsideration and Petitioner's Response thereto have been filed.

Notwithstanding the expiration of its testimony period, the Registrant took its testimony outside of the period and counsel for the Petitioner was not present. The testimony transcript was submitted to the Board and Petitioner promptly moved to strike the same. This Motion is still pending.

Nevertheless, Registrant's Brief refers to and is buttressed upon the testimony of its witness, Mr. Farah himself. Accordingly, those portions of the Brief that refer or relate to Mr. Farah's testimony or the exhibits thereto should be disregarded.

In addition to the above, Registrant lists in his brief's Statement of Issues, whether Petitioner's products can be legally distributed in the United States. This issue was never pleaded by the Registrant in the Answer and defense.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a copy of Petitioner's Reply Brief was served by the undersigned upon counsel for the Registrant, David M. Rogero, Esq., 2600 Douglas Road, Suite 600, Coral Gables, FL 33134, by first class mail, proper postage affixed, this 6th day of May, 2005.



Donald L. Dennison